



General Assembly

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22 May 2003Fifty-seventh session
Agenda item 122**Resolution adopted by the General Assembly***[on the report of the Fifth Committee (A/57/604/Add.1)]***57/306. Investigation into sexual exploitation of refugees by aid workers in West Africa***The General Assembly,**Recalling* its resolutions 48/218 B of 29 July 1994 and 54/244 of 23 December 1999,*Recalling also* paragraph 14 of Security Council resolution 1400 (2002) of 28 March 2002 and paragraph 10 of Council resolution 1460 (2003) of 30 January 2003,*Having considered* the report of the Office of Internal Oversight Services on the investigation into sexual exploitation of refugees by aid workers in West Africa,¹*Recognizing* the important roles and responsibilities that humanitarian and peacekeeping personnel have in protecting and assisting vulnerable populations, especially refugees and internally displaced persons, and expressing appreciation for the valuable efforts of the vast majority of such personnel in this regard,*Expressing its grave concern* at incidents of sexual exploitation and abuse against vulnerable populations, in particular refugees and internally displaced persons in West Africa and elsewhere,*Emphasizing* that the highest standards of conduct and accountability are required of all personnel serving in humanitarian and peacekeeping operations,1. *Takes note* of the report of the Office of Internal Oversight Services on the investigation into sexual exploitation by aid workers in West Africa;¹2. *Expresses its serious concern* that the conditions in refugee camps and communities may make refugees, especially women and children, vulnerable to sexual and other forms of exploitation;3. *Condemns* any exploitation of refugees and internally displaced persons, especially sexual exploitation, and calls for those responsible for such deplorable acts to be brought to justice;4. *Emphasizes* the need to create an environment free of sexual exploitation and abuse in humanitarian crises through, inter alia, integrating the prevention of and response to sexual exploitation and abuse into the protection and assistance functions of all humanitarian and peacekeeping personnel;¹ See A/57/465.

5. *Notes with appreciation* the Plan of Action² developed by the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, and encourages all relevant agencies to pursue its effective and appropriate implementation;

6. *Requests* the Secretary-General to ensure that the remedial and preventive measures taken by the Office of the United Nations High Commissioner for Refugees and its implementing partners, the Inter-Agency Standing Committee and the Department of Peacekeeping Operations of the United Nations Secretariat, in response to recommendations of the Office of Internal Oversight Services are extended, as appropriate, to all peacekeeping missions, refugee camps, refugee-related operations and other humanitarian operations;

7. *Also requests* the Secretary-General to ensure that, in response to recommendations of the Office of Internal Oversight Services, clear and consistent procedures for impartially reporting and investigating instances of sexual exploitation and related offences are in place in all United Nations peacekeeping missions and humanitarian operations;

8. *Encourages* all United Nations organizations, funds and programmes, and specialized agencies and non-governmental organizations, to incorporate into codes of conduct specific responsibilities of humanitarian aid workers to prevent and respond appropriately to sexual exploitation and abuse and to adopt appropriate disciplinary procedures for dealing with such violations when they occur;

9. *Recognizes* the shared responsibility, within their respective competencies, of United Nations organizations and agencies and troop-contributing countries to ensure that all personnel are held accountable for sexual exploitation and related offences committed while serving in humanitarian and peacekeeping operations;

10. *Requests* the Secretary-General, in response to recommendations of the Office of Internal Oversight Services, to maintain data on investigations into sexual exploitation and related offences, irrespective of age and gender, by humanitarian and peacekeeping personnel, and all relevant actions taken thereon;

11. *Recalls* its decision that reports of the Office of Internal Oversight Services should be considered under the relevant items of the agenda of the General Assembly;

12. *Requests* the Secretary-General, in his implementation of the measures pursuant to the report of the Office of Internal Oversight Services, to proceed expeditiously also with the implementation of the present resolution, inter alia, by issuing as soon as possible his bulletin on sexual exploitation and abuse, and to report thereon to the General Assembly at its fifty-eighth session, including information on any new cases of sexual exploitation revealed and the measures taken to deal with such cases.

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² See A/57/465, annex I.





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Fifty-seventh session
Agenda item 123

Resolution adopted by the General Assembly

[on the report of the Fifth Committee (A/57/768)]

57/307. Administration of justice in the Secretariat

The General Assembly,

Recalling section XI of its resolution 55/258 of 14 June 2001,

Recognizing that a transparent, impartial and effective system of administration of justice is a necessary condition for ensuring fair and just treatment of United Nations staff, and important for the success of human resources reform in the Organization,

Having considered the report of the Secretary-General on the administration of justice in the Secretariat,¹

Having also considered the report of the Joint Inspection Unit entitled "Reform of the administration of justice in the United Nations system: options for higher recourse instances"² and the comments of the Secretary-General and those of the United Nations System Chief Executives Board for Coordination thereon,³

Having further considered the report of the Advisory Committee on Administrative and Budgetary Questions⁴ and the letter from the President of the United Nations Administrative Tribunal to the Chairman of the Fifth Committee,⁵

Affirming the importance of continuing efforts to ensure that the administration of justice within the United Nations is of the highest standard,

Also affirming the importance of the United Nations as an exemplary employer,

1. *Stresses* the urgent need to ensure effective and expeditious administration of justice in the Organization, and requests the Secretary-General to ensure that the highest standards of efficiency, competence and integrity, as well as the principles of fairness and due process, serve as the paramount considerations in the system of administration of justice within the United Nations;

¹ A/56/800.

² See A/57/441.

³ See A/57/441/Add.1.

⁴ A/57/736.

⁵ A/C.5/57/25.

2. *Notes with concern* that the related reports were not introduced at its fifty-sixth session, as requested in its resolution 55/258, in addition to being issued late for consideration at its current session;

3. *Regrets* that the present system of administration of justice in the Secretariat continues to be slow, cumbersome and costly;

4. *Also regrets* the serious delays in the appeals process, and requests the Secretary-General to ensure full cooperation and accountability in the internal system of justice of the department or programme manager whose decision has been challenged by the appellant, at all stages of the process;

5. *Requests* the Secretary-General to take steps to ensure the independence of the United Nations Administrative Tribunal and the separation of its secretariat from the Office of Legal Affairs, to study the possibility of its financial independence and to report thereon to the General Assembly at its fifty-eighth session;

6. *Takes note* of the report of the Secretary-General on the administration of justice in the Secretariat,¹ the report of the Joint Inspection Unit entitled "Reform of the administration of justice in the United Nations system: options for higher recourse instances"² and the comments of the Secretary-General and those of the United Nations System Chief Executives Board for Coordination thereon³ and the report of the Advisory Committee on Administrative and Budgetary Questions;⁴

7. *Endorses* the recommendation of the Advisory Committee contained in paragraph 8 of its report;

8. *Welcomes* the initiative taken by the Secretary-General in requesting the Office of Internal Oversight Services to conduct a management review of the appeals process, and in this regard concurs with the observations and recommendations contained in paragraphs 6 and 7 of the report of the Advisory Committee;

9. *Requests* the Secretary-General, taking due account also of the findings of the Office of Internal Oversight Services, to submit a report containing alternatives on strengthening the administration of justice by means of ensuring transparency and fairness in the provision of justice to staff of the Organization, for consideration by the General Assembly at its fifty-eighth session;

10. *Also requests* the Secretary-General to entrust the Office of Internal Oversight Services with the inclusion in its report of measures to shorten the period required for the disposal of cases, including imposing deadlines at all stages of the process;

11. *Further requests* the Secretary-General to ensure that the Office of Internal Oversight Services includes in its report not only the procedures and functions related to the Joint Appeals Board but also those related to the Panel of Counsel, the Administrative Law Unit and the secretariats of the Joint Appeals Board and the Joint Disciplinary Committee, as well as their impact on and contribution to the administration of justice;

12. *Welcomes* the establishment of the post of Ombudsman to strengthen informal mechanisms for conflict resolution;

13. *Also welcomes* the organization of basic legal training courses for new members of the Joint Appeals Board and the Joint Disciplinary Committee, and encourages the Secretary-General to continue his efforts in this regard without additional budgetary implications;

14. *Agrees* that the United Nations Administrative Tribunal should be strengthened through an amendment to its statute requiring that the candidates for the Tribunal possess judicial experience in the field of administrative law or its equivalent within the

candidate's national jurisdiction, as recommended in paragraph 13 of the report of the Advisory Committee, and decides to take a decision on this matter at its fifty-eighth session;

15. *Notes* that the staff of the United Nations Secretariat and the specialized agencies are subject to two different systems of administration of justice, and in this regard requests the Joint Inspection Unit to continue to study the possibility of harmonizing the statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal, bearing in mind the information contained in paragraphs 39 to 42 of the report of the Secretary-General,¹ for consideration by the General Assembly at its fifty-ninth session;

16. *Requests* the Secretary-General to undertake a more in-depth analysis of the implications of ensuring that the executive heads of organizations collaborate with the staff associations in the development of comprehensive legal insurance schemes to cover legal advice and representation for staff, with a view to ensuring equality of all staff in adversary procedures and the widest possible access of staff to the administration of justice;

17. *Also requests* the Secretary-General to strengthen the Panel of Counsel, as appropriate, taking into account the management review report to be submitted by the Office of Internal Oversight Services;

18. *Affirms* that the functions of staff members appointed to serve on joint bodies in the administration of justice are official in nature and are valuable to the Organization;

19. *Encourages* the Secretary-General to ensure that staff members appointed to serve on joint bodies of the internal justice system are given sufficient time off from their substantive responsibilities to discharge their responsibilities, including adjustment of work in their substantive offices;

20. *Requests* the Secretary-General, in consultation with the Ombudsman and staff representatives, to submit detailed proposals on the role and work of the Panel on Discrimination and Other Grievances for consideration by the General Assembly at its fifty-eighth session;

21. *Also requests* the Secretary-General to include statistics on the disposition of cases and information on the work of the Panel of Counsel in his annual report on the administration of justice in the Secretariat;

22. *Further requests* the Secretary-General to distribute a hard copy of the annual report of the Panel of Counsel to Member States, upon request;

23. *Requests* the United Nations Administrative Tribunal to submit a comprehensive report on its activities to the General Assembly;

24. *Reiterates its request* to the Secretary-General to establish a clear linkage between the administration of justice and responsibility and accountability in the United Nations Secretariat when decisions of the Administrative Tribunal result in losses to the Organization due to management irregularities;

25. *Also reiterates its request* to the Secretary-General to develop, as a matter of priority, an effective system of personal responsibility and accountability to recover financial losses to the Organization caused by management irregularities, wrongful actions or gross negligence of officials of the United Nations Secretariat that result in judgements of the Administrative Tribunal, and to report thereon to the General Assembly at its fifty-eighth session;

26. *Requests* the Secretary-General to expeditiously finalize and issue an administrative instruction on the implementation of section XI, paragraph 9, of General Assembly resolution 55/258;

27. *Also requests* the Secretary-General to continue to ensure that all decisions affecting the status of the staff should be communicated to the staff members concerned;

28. *Decides* to amend staff rule 110.4 (a) to read: "No disciplinary proceedings may be instituted against a staff member unless he or she has been notified, in writing, of the allegations against him or her and of the right to seek the assistance of counsel in his or her defence at his or her own expense, and has been given a reasonable opportunity to respond to those allegations", and to make similar amendments to staff rules 210.1 (b) and 310.1 (d);

29. *Also decides* to amend staff rule 111.2 (i) to read: "A staff member may arrange to have his or her appeal presented to the panel on his or her behalf by counsel, at his or her own expense";

30. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Administration of justice at the United Nations".

83rd plenary meeting
15 April 2003



General Assembly

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Fifty-seventh session
Agenda item 42

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/57/L.78)]

57/308. High-level plenary meetings devoted to the follow-up to the outcome of the twenty-sixth special session: implementation of the Declaration of Commitment on HIV/AIDS

The General Assembly,

Recalling its resolution 57/299 of 20 December 2002, entitled "Follow-up to the outcome of the twenty-sixth special session: implementation of the Declaration of Commitment on HIV/AIDS", in which it decided to convene a day of high-level plenary meetings devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS,¹ and to hold, in parallel with the afternoon plenary meeting, an informal interactive panel discussion with the theme "Implementation of the Declaration of Commitment on HIV/AIDS: from policy to practice – progress achieved, lessons learned and best practices",

Recalling also that, in accordance with its resolution 57/299, the statements in the debate in the plenary meetings should not exceed five minutes each,

Recalling further that in its resolution 57/299, it invited the President of the General Assembly to finalize any outstanding organizational matters in consultation with the Member States,

1. *Decides* to amend paragraph 2 of its resolution 57/299 to read "*Decides* to convene a day of high-level plenary meetings of the General Assembly devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS, to be held on 22 September 2003";

2. *Also decides* that the list of speakers for the debate in plenary will be organized on a first-come, first-served basis, the order of precedence being as follows:

- (a) Heads of State and Government;
- (b) Vice-Presidents/Crown Princes or Princesses;

¹ Resolution S-26/2, annex.

- (c) Deputy Prime Ministers;
- (d) The highest ranking official of the Holy See, in its capacity as observer State, and of Palestine, in its capacity as observer;
- (e) Ministers;
- (f) Vice-Ministers;
- (g) Heads of delegations;

and, should the level of participation change, the replacement speaker will be accommodated in the last position available in the appropriate category;

3. *Further decides* that, in accordance with paragraph 5 of its resolution 57/299, an invitation to the informal interactive panel discussion, to be held in parallel with the afternoon plenary meeting, will be extended to those on the list of civil society representatives submitted on 25 April 2003 by the President of the General Assembly to Member States² and to which no objection has been received.

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² A/57/CRP.4, annex.



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Agenda item 169

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/57/L.77 and Add.1)]

57/309. Global road safety crisis

The General Assembly,

Noting the rapid increase in road traffic deaths, injuries and disabilities globally,

Recognizing the disproportionate fatality rate in developing countries,

Taking note of the negative impact of road traffic injuries on national and global economies,

Affirming the need for a worldwide effort to raise awareness of the importance of road safety as a public policy issue, especially through education and the dissemination of information,

Convinced that responsibility for road safety rests at the local, municipal and national levels,

Affirming that the road safety crisis has multiple dimensions requiring collaborative efforts at all levels, including through appropriate public health education programmes,

1. *Welcomes the efforts of the World Health Organization to designate "Safe roads" as the theme of World Health Day 2004, to be observed on 7 April of that year, and to undertake the development of a world report on road traffic injury prevention, to be issued in April 2004;*

2. *Encourages Governments and civil society to raise awareness of the widespread problem of preventable road traffic deaths and injuries, targeting especially the young in educational establishments;*

3. *Urges all Governments to promulgate and to continue to enforce existing traffic laws;*

4. *Requests the Secretary-General to submit a report to the General Assembly on the global road safety crisis, through the appropriate United Nations body, taking into consideration the views expressed by Member States and the relevant organs and agencies within the United Nations system, for consideration by the Assembly at its fifty-eighth session.*

86th plenary meeting
22 May 2003